

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Rehberg Ranch Land & Livestock, Daniel W & Julane Wells, and DNRC State Trust Lands Reciprocal Easement Agreement
Proposed Implementation Date:	Spring/Summer 2021
Proponent:	Rehberg Ranch Land & Livestock and MT DNRC State Trust Lands Division
Location:	<ul style="list-style-type: none">• ALL of Section 10, Township 1 North, Range 25 East (Common Schools) ±640 acres• ALL of Section 16, Township 1 North, Range 25 East (Common Schools) ±640 acres• ALL of Section 18, Township 1 North, Range 25 East (Common Schools) ±633.92 acres, minus railroad corridor.• ALL of Section 20, Township 1 North, Range 25 East (Common Schools) ±640 acres• West½ and the West½ of the East ½ of Section 22, Township 1 North, Range 25 East (Common Schools) ±480 acres
County:	Yellowstone County

I. TYPE AND PURPOSE OF ACTION

DNRC Trust Land Management Division, Rehberg Ranch Land and Livestock, and Daniel W & Julane Wells are proposing to enter into a reciprocal easement agreement that would benefit the state gaining access to currently land locked lands on Section 18-T1N-R25E. The state would also benefit from receiving 16' wide corner crossings on Sections 10,16,18,20 and 22 – T1N-R25E, allowing for recreational users more accessibility to state lands in exchange for Rehberg Ranch Land and Livestock to manage their lands more feasibly. Rehberg Ranch Land and Livestock and the State currently have a checkerboard ownership and this exchange would allow both parties easier access to their lands, while also providing a significant benefit to public access via legal corner crossings as well as access to previously landlocked parcels. Daniel W & Julane Wells would receive an easement across Section 20-T1N-R25E to access their private land on the N½ Section 19 -T1N-R25E in exchange for the State receiving motorized easement for administrative purposes across Daniel W & Julane Wells private land on Section 19 -T1N-R25E. This project encompasses an area that would allow interconnectivity across five sections of State Land (as shown in attached Exhibit A) for both administrative and public recreational users.

Section 10-T1N-R25E: There is one proposed 16' wide corner crossing to allow crossing from southwest corner of Section 10 into Section 16 by crossing private land in Section 15 belonging to Rehberg Ranch Land and Livestock. Currently there is public access into Section 10 from Alkali Creek Road that runs along its north boundary. This proposed corner crossing would allow interconnectivity from Section 10 to Sections 16,18,20, and 22 of Township 1 North, Range 25 East. The impacted acreage for the 16' easement would be ±0.001 acres.

Section 16-T1N-R25E: There are three (3) proposed 16' wide corner crossings proposed for this section. Section 16 would have a corner crossing in the Northeast corner crossing into Section 10, T1N, R25E impacting ±.001 acres. Section 16 would have a corner crossing in the Southeast corner crossing into Section 22, T1N, R25E impacting ±.001 acres. Section 16 would have a corner crossing in the Southwest corner crossing into Section 20, T1N, R25E impacting ±.001 acres. Currently Section 16 is publicly accessible by a private road Kestral Drive, via Lone Eagle Drive. The proposed corner crossings would allow interconnectivity from Section 16 into Sections, 10, 18, 20, and 22. Rehberg Ranch Land and Livestock would be granted a corner crossing in the southeast corner of Section 15 to allow access to their private lands in Sections 15 and 21 of Township 1 North, Range 25 East.

Section 18-T1N-R25E: There is one proposed 16' wide corner crossing to allow crossing from Section 18 into Section 20 across the northeast corner of private lands belonging to Daniel W & Julane Wells. Currently there is no legal public or administrative access to this section of State Land. The impacted acreage for the 16' easement would be ±0.001 acres. The DNRC would also gain administrative motorized access across Section 19 into Section 18.

Section 20-T1N-R25E: There are two proposed 16' wide corner crossings for this section. One is in the Northeast corner that would allow crossing from Section 20 to Section 16. The other corner crossing would allow crossing from Section 20 into Section 18 in the Northwest corner by crossing private lands belonging to Daniel W & Julane Wells. The impacted acreage for the 16' easement would be ± 0.001 acres. The State would also grant a 10' motorized access easement on an existing two-track road to Daniel W & Julane Wells **AND** Rehberg Ranch Land and Livestock across Section 20 for the purposes of farm and ranch management. The road area would encompass ± 1.32 acres of State Land.

Section 22-T1N-R25E: There is one proposed 16' wide corner crossing to allow crossing from Section 22 into Section 16 in the Northwest corner by crossing private lands belonging to Rehberg Ranch Land and Livestock. In exchange for the granted corner crossings, Rehberg Ranch Land and Livestock would be granted corner crossing from private lands on Sections 15 and 21 of Township 1 North, Range 25 East. The impacted acreage for the 16' easement would be ± 0.001 acres. Currently there is no legal public access to Section 22. There is an access point with a gate along Iron Horse Trail on the eastern portion of the State Land. However, there is a 10' long strip of private land belonging to Rehberg Ranch between the road and the State Trust Land. In exchange of granting the corner crossing to Rehberg Ranch Land and Livestock, the State would receive an 8' wide, 10' long, easement from Iron Horse Trail across private land to the State. The proposed corner crossing would allow interconnectivity from Section 16 along with granting access from a public road.

II. PROJECT DEVELOPMENT

1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:

Provide a brief chronology of the scoping and ongoing involvement for this project.

The DNRC Southern Land Office (SLO) put out a public scoping notice in the Billings Gazette paper 30 May 2021 and 6 June 2021 seeking comment from interested parties regarding this easement exchange. Comment period ran from 30 May 2021 through 30 June 2021.

No public comments were received.

2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:

No other government permits are needed.

3. ALTERNATIVES CONSIDERED:

Proposed Alternative: Issue the reciprocal easement agreement across state lands on Sections 10, 16, 18, 20, and 22 in T1N-R25E and gain legal administrative and public access to Section 18-T1N-R25E in Yellowstone County.

No Action Alternative: Deny the reciprocal easement agreement across state lands on Sections 10, 16, 18, 20, and 22 in T1N-R25E and gain legal administrative and public access to Section 18-T1N-R25E in Yellowstone County.

III. IMPACTS ON THE PHYSICAL ENVIRONMENT

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
- *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
- *Enter "NONE" if no impacts are identified or the resource is not present.*

4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:

Consider the presence of fragile, compactable or unstable soils. Identify unusual geologic features. Specify any special reclamation considerations. Identify any cumulative impacts to soils.

The routes proposed in the reciprocal easement fall just on the outskirts of the greater Billings, MT urban area. The majority of the access agreements are for non-motorized corner crossings. Across Section 20, Township 1 North, Range 25 East, there is a primitive two-track road. An easement will be granted along this road for both Daniel W & Julane Wells **AND** Rehberg Ranch Land & Livestock to use for farm and ranch management. The State would also grant a corner crossing motorized easement to Rehberg across the southwest corner of Section 18 to allow access to additional Rehberg lands in Sections 13 and 14. No public motorized vehicles will be authorized on any section of State Land outside existing public road easements.

The land classification is considered a mix of Big Sagebrush Stepper, Great Plains Sand Prairie and Great Plains Mixedgrass Prairie. The soil composition of the general area is comprised of sandy loam soil variations. The soils can be relatively thin in the proposed area. The primitive two-track road that already exists may have some compaction along the route but will not have a negative effect upon the land outside of the roadbed. The corner crossings are going to be for walk-in only access. Since traffic will be funneled into small designated areas at corners, there is potential for minimal soil compaction occurrences at the crossings.

5. WATER QUALITY, QUANTITY AND DISTRIBUTION:

Identify important surface or groundwater resources. Consider the potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality. Identify cumulative effects to water resources.

There are a few intermittent/seasonal streams that run through these sections of State Land. The majority of the agreement will be to access via corner crossings for foot traffic. The road that is being granted on Section 20, Township 1 North, Range 25 East does not cross any streambeds along its established path. Any water source or seasonal stream should have no additional impacts due to the granting of these easements. No significant adverse impacts to water quality, quantity or distribution are anticipated by implementing the proposed action.

6. AIR QUALITY:

What pollutants or particulate would be produced? Identify air quality regulations or zones (e.g. Class I air shed) the project would influence. Identify cumulative effects to air quality.

The routes proposed in the reciprocal easement fall just on the outskirts of the greater Billings, MT urban area. The first part of the reciprocal easement is for granting foot traffic through the corner crossings of state land. The second part is for one road system that will be granted that is already in existence and will be used for farm and ranch access. No additional vehicular travel across state land is to be expected with the granting of these easements. The proposed action will not significantly increase vehicular traffic volume. No significant adverse impacts to air quality are expected by implementing the proposed action.

7. VEGETATION COVER, QUANTITY AND QUALITY:

What changes would the action cause to vegetative communities? Consider rare plants or cover types that would be affected. Identify cumulative effects to vegetation.

The land classification is considered a mix of Big Sagebrush Stepper, Great Plains Sand Prairie and Great Plains Mixedgrass Prairie. Perennial grasses and forbs in these classifications typically comprise the greatest canopy cover with minimal shrub coverage.

An easement will be granted to both Daniel W. & Julane Wells **AND** Rehberg Ranch Land and Livestock to use the existing primitive two-track road system. The soil composition of the general area is comprised of sandy loam soil variations. The soils can be relatively thin in the proposed area. The primitive two-track road already exists and may have some additional, but minimal, compaction along the route but will not have a negative effect upon the land outside of the roadbed. The corner crossings are being granted for walk-in only access. Since foot traffic will be funneled into small designated areas at corners, there is potential for mild soil compaction and vegetative stifling at the crossing locations.

No significant long-term adverse impacts to vegetative cover, quantity or quality are expected as a result of implementing the proposed alternative.

8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:

Consider substantial habitat values and use of the area by wildlife, birds or fish. Identify cumulative effects to fish and wildlife.

A variety of big game (mainly antelope and deer), small mammals, raptors, songbirds and turkeys may traverse the subject sections. The proposed project of reciprocating easements to the State, recreational users and land owners managing their land may minimally displace wildlife movement and patterns, but still remain in the geographical area. Due to the surrounding area already having established human impact through recreational use and the primitive two-track already existing, the addition of the road easement and corner crossing easements will not significantly disrupt the animal behavior of the general area. Additionally, the proposal will allow corner crossings and could allow for further disbursement of recreational use to adjoining state land as well as the opening up of two landlocked Trust land parcels. No significant or long-term adverse impacts to terrestrial, avian and aquatic life and habitats are expected to occur as a result of implementing the proposed alternative.

9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:

Consider any federally listed threatened or endangered species or habitat identified in the project area. Determine effects to wetlands. Consider Sensitive Species or Species of special concern. Identify cumulative effects to these species and their habitat.

A search of the Montana Natural Heritage Program database indicated the following species of concern in the proposed sections:

- Western Milksnake, Plains Hog-nosed Snake, Greater Short-horned Lizard
- Pinyon Jay, Greater Sage Grouse, Peregrine Flacon
- Black-tailed Prairie Dog, Long-legged Myotis, Hoary Bat, Long-eared Myotis, Townsend's Big-eared Bat, Little Brown Myotis, Spotted Bat

Along with the species listed, Bat Roosts (Non-cave) have been discovered in the area. There are also potential species of concern that have the possibility of having habitats or being observed in the surrounding area.

None of the species listed above were observed on the parcels, just in the general area.

Sections 10, 16, and 18 of Township 1 North, Range 25 east are located within Greater Sage Grouse General Habitat. Due to the project not disturbing the environment outside the established two track road and allowing public access at the corners, no disturbance or new road or trail construction is proposed with this alternative.

Due to the nature of the proposed action it is not expected to have a significant long-term effect on any of the species identified on or around this parcel. The surface disturbance will only be impacted on an existing two track road and at the corner crossings.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

Identify and determine effects to historical, archaeological or paleontological resources.

The following cultural and paleontological surveys have been previously performed:

Section 10-T1N-R25E: 1989 – Project #1989-5-2 – No cultural/paleontological resources identified
1991 – Project #1991-5-3 – No cultural/paleontological resources identified
1998 – Registered Site#24YL0402 - Pictographs
2016 – Registered Site#24YL2107 - Pictographs
2016 – Registered Site#24YL2132 - Cairn(s)
2016 – Registered Site#24YL2133 - Cairn(s)
2016 – Registered Site#24YL2134 - Cairn(s)
2016 – Project #2016-5-1 – No cultural/paleontological resources identified
2017 – Registered Site#24YL1713 – Historic Road/Trail

Section 16-T1N-R25E: 1984 – Project #1984-5-1 – No cultural/paleontological resources identified.

Section 18-T1N-R25E: 1998 – Site Lead – Historic Homestead/Farmstead

Section 20-T1N-R25E: 1965 – Registered Site#24YL0429 – Stone Circle
2000 – Registered Site#24YL1989 – Lithic Scatter

Section 22-T1N-R25E: 2005 – Project #2005-5-12 – No cultural/paleontological resources identified

A Class I (literature review) level review was conducted by the DNRC staff archaeologist for the area of potential effect (APE). This entailed inspection of project maps, DNRC's sites/site leads database, land use records, General Land Office Survey Plats, and control cards. The Class I search revealed that no cultural or paleontological resources have been identified in the APE, and the majority has been inventoried to Class III standards. No additional archaeological investigative work will be conducted in response to this proposed reciprocal access project.

The reciprocal easement is for exchanging right of use. No new construction will be taking place that could disturb sites.

The proposed project will have *No Effect* to *Antiquities* as defined under the Montana State Antiquities Act. Formal reports of findings are available through the DNRC and the Montana State Historic Preservation Officer.

11. AESTHETICS:

Determine if the project is located on a prominent topographic feature or may be visible from populated or scenic areas. What level of noise, light or visual change would be produced? Identify cumulative effects to aesthetics.

The proposed action would result in a reciprocal road access and grant public access via corner crossing. No new construction or changes to the sections will take place outside of exchanging right of use and potentially marking boundaries and corners with stakes. No significant adverse impact to aesthetics is expected as a result of implementing the proposed alternative.

12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:

Determine the amount of limited resources the project would require. Identify other activities nearby that the project would affect. Identify cumulative effects to environmental resources.

No significant adverse impacts to environmental resources of land, water, air or energy are expected to occur as a result of implementing the proposed alternative.

13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:

List other studies, plans or projects on this tract. Determine cumulative impacts likely to occur as a result of current private, state or federal actions in the analysis area, and from future proposed state actions in the analysis area that are under MEPA review (scoped) or permitting review by any state agency.

The City of Billings is currently working on developing the Inner Belt Loop project that will impact Section 22 with a new road right of way proposal. That request will have a separate MEPA analysis when it is received from the City. The current alignment of the proposed new road will not have any effect on the current easement of a corner crossing.

There are no other known studies or future actions are planned for this Trust land parcels. However, due to the Billings, MT general growth patterns this may be re-evaluated in the future.

IV. IMPACTS ON THE HUMAN POPULATION

- *RESOURCES* potentially impacted are listed on the form, followed by common issues that would be considered.
- Explain *POTENTIAL IMPACTS AND MITIGATIONS* following each resource heading.
- Enter "NONE" if no impacts are identified or the resource is not present.

14. HUMAN HEALTH AND SAFETY:

Identify any health and safety risks posed by the project.

No significant adverse impacts to human health and safety would occur as a result of implementing the proposed alternative.

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

Identify how the project would add to or alter these activities.

The location of the easement does not traverse any crop lands. All the sections involved in the reciprocal easement are leased for grazing. There will be no new construction and impacts to the land outside an existing two track road. No significant adverse impacts to industrial, commercial and agricultural activities and production would occur as a result of implementing the proposed alternative.

16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:

Estimate the number of jobs the project would create, move or eliminate. Identify cumulative effects to the employment market.

The proposed action will have no significant impact on the quantity and distribution of employment.

17. LOCAL AND STATE TAX BASE AND TAX REVENUES:

Estimate tax revenue the project would create or eliminate. Identify cumulative effects to taxes and revenue.

The proposed action will have no adverse impact on tax revenue.

18. DEMAND FOR GOVERNMENT SERVICES:

Estimate increases in traffic and changes to traffic patterns. What changes would be needed to fire protection, police, schools, etc.? Identify cumulative effects of this and other projects on government services

The implementation of the proposed alternative will not generate any additional demands on governmental services.

19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:

List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.

Implementation of the proposed alternative will not conflict with any locally adopted plans. Any further development of the State or private land would require review additional local government review.

20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:

Identify any wilderness or recreational areas nearby or access routes through this tract. Determine the effects of the project on recreational potential within the tract. Identify cumulative effects to recreational and wilderness activities.

Implementation of the proposed alternative will impact recreational use by granting a larger block of State Trust Land to be accessed more easily with the corner crossings. Additionally, Section 18, Township 1 North, Range 25 East has previously been land locked by private ownership and the proposed alternative will allow the public to access this section.

The sections proposed in the reciprocal easement are outskirts of the Billings urban area. There are subdivisions intermingled in the surrounding area. The sections have seen increased activities in recreational use due to the Billings area growth patterns. By implementing the proposed action, recreational users will be able to access the checkerboard sections more conveniently. In addition, this will allow for the potential of recreational users to disburse further on to adjoining state lands by using the corner crossings.

21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:

Estimate population changes and additional housing the project would require. Identify cumulative effects to population and housing.

The routes proposed in the reciprocal easement falls outside the greater Billings, MT urban area. However, the general area is seeing a rising growth in population. Section 22 is currently in discussion with the city to acquire a right of way for their "Inner Belt Loop" project, which will connect Billings West End to the Billings Heights areas. With the continued growth, there may be opportunity for future developments on State Land. However, no significant adverse impacts to density and distribution of population and housing would occur as a result of implementing the currently proposed alternative on state lands at this time.

22. SOCIAL STRUCTURES AND MORES:

Identify potential disruption of native or traditional lifestyles or communities.

There are no native, unique or traditional lifestyles or communities in the vicinity that would be impacted by the proposed alternative.

23. CULTURAL UNIQUENESS AND DIVERSITY:

How would the action affect any unique quality of the area?

The proposed alternative will not have a significant adverse impact on cultural uniqueness or diversity.

24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:

Estimate the return to the trust. Include appropriate economic analysis. Identify potential future uses for the analysis area other than existing management. Identify cumulative economic and social effects likely to occur as a result of the proposed action.

The Common Schools Trust Permanent Fund will benefit by getting corner crossings to the checkerboarded section of State Land. Additionally, Section 18 of Township 1 North, Range 25 East has previously been land locked by private ownership and the proposed alternative will allow the public to access this section.

EA Checklist Prepared By:	Name: Joe Holzwarth	Date: 1 July 2021
	Title: Area Planner, Southern Land Office	

V. FINDING

25. ALTERNATIVE SELECTED:

Issue the reciprocal easement agreement across state lands on Sections 10, 16, 18, 20, and 22-T1N-R26E and gain legal administrative and public access to Section 18-T1N-R25E in Yellowstone County to benefit the Common School Trust.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

The potential for significant adverse impacts to the Trust lands listed above are minimal due to the nature of the proposed action which entails granting reciprocal easements on an existing two track road and granting corner crossing access to five sections of state land that are checkerboarded with Rehberg Ranch and Livestock. The proposed reciprocal access exchange would provide for improved access for all parcels in addition to providing some flexibility in future development. Additionally, the proposed alternative would provide for increased recreational access opportunities to the public, while allowing the State to gain administrative motorized access to a presently landlocked section.

There are no natural features that could produce adverse impacts or species of concern occupying the parcels that are expected to be impacted by implementing the proposed action.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

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EIS

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More Detailed EA

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No Further Analysis

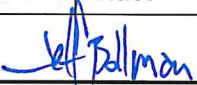
EA Checklist Approved By:	Name: Jeff Bollman
	Title: Area Manager, Southern Land Office
Signature: 	
Date: 17 July 2021	

Exhibit A – Proposed Reciprocal Easements Granted by the Proposed Alternative

